

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROLLAND HANLEY,

Plaintiff,

v.

OFFICER WILKENS, et al.,

Defendants.

Case No. 1:22-cv-00404-JLT-SAB

ORDER DIRECTING SERVICE BY THE
UNITED STATES MARSHALS SERVICE
WITHOUT PREPAYMENT OF COSTS

(ECF Nos. 8, 10, 14)

Plaintiff Rolland Hanley, proceeding *pro se* and *in forma pauperis*, filed this action on April 8, 2022, against Defendant Officer Wilkens of the Merced County Sheriff's Department. This action was administratively designated as involving prisoner litigating his conditions of jail confinement. Following screenings and the filing of a second amended complaint, on July 27, 2022, the Court changed the administrative designation of this action to reflect that of a regular civil action, and assigned District Judge Jennifer Thurston to the matter. (ECF No. 9.) On August 4, 2022, the Court authorized service of the second amended complaint in this action, and forwarded Plaintiff service documents for Plaintiff to complete and return. (ECF No. 10.) On September 7, 2022, the Court granted Plaintiff's motion for a thirty (30) day extension of time to return the service documents in this action. (ECF No. 11.) On September 27, 2022, Plaintiff returned the service documents. (ECF No. 14.) The Court shall direct the Clerk of the Court to forward the service documents to the United States Marshals Service.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to issue new case documents;
2. For each defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service (“USM”):
 - (a) One completed and issued summons;
 - (b) One completed USM–285 form for each defendant to be served;
 - (c) One copy of the second amended complaint filed June 16, 2022, plus one copy for the United States Marshal;
 - (d) One copy of this order, plus one copy for the United States Marshal; and
 - (e) One copy of the new case documents.
3. Within ten days from the date of this order, the USM is directed to notify the following defendant of the commencement of this action and to request a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c):

OFFICER WILKENS

4. The USM shall file returned waivers of service as well as any requests for waivers of service that are returned as undelivered as soon as they are received.
5. If a waiver of service is not returned by a defendant within sixty (60) days of the date of mailing the request for waiver, the USM shall:
 - a. Personally serve process and a copy of this order upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c). The USM shall maintain the confidentiality of all information provided pursuant to this order.
 - b. Within ten days after personal service is effected, the USM shall file the return of service for the defendant, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said defendant. Said costs shall be enumerated on the USM–285 form and shall include the costs incurred by

the USM for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against the personally served defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

6. **If defendants waive service, they are required to return the signed waivers to the USM. The filing of an answer or a responsive motion does not relieve defendants of this requirement, and the failure to return the signed waivers may subject defendants to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).**

IT IS SO ORDERED.

Dated: October 18, 2022


UNITED STATES MAGISTRATE JUDGE